

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 264

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WATER; TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD HAS PREPARED AND ADOPTED THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE EASTERN SNAKE PLAIN AQUIFER AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS APPROVED AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT STATE AGENCIES SHALL EXERCISE DUTIES IN A MANNER CONSISTENT WITH THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT TO THE LEGISLATURE FOR APPROVAL A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT, WITH THE ASSISTANCE OF THE IMPLEMENTATION COMMITTEE, ANY SUBSEQUENT PROPOSED CHANGES TO THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE CRITERIA FOR IMPLEMENTATION PLANS, TO PROVIDE THAT IMPLEMENTATION OF PHASE I OF THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS SUBJECT TO LEGISLATIVE APPROVAL OF A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT PROVISIONS DO NOT CONSTITUTE AN OBLIGATION OF STATE FUNDS, TO PROVIDE THAT ANY STATE FUNDING SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDS, TO PROVIDE FOR THE USE OF PREVIOUSLY APPROPRIATED FUNDS, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN RECOGNIZES INCIDENTAL GROUND WATER RECHARGE IS AN IMPORTANT COMPONENT OF THE EASTERN SNAKE PLAIN AQUIFER WATER SUPPLY AND TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN SHALL INCLUDE SPECIFIED MEASURES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Pursuant to 2006 Senate Concurrent Resolution No. 136 and Section 42-1734A, Idaho Code, the Idaho Water Resource Board has prepared and adopted the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer as a component of the Comprehensive State Water Plan. Pursuant to Section 42-1734B(6), Idaho Code, the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer ("ESPA CAMP") is approved as a component of the Comprehensive State Water Plan. Pursuant to Section 42-1734B(4), Idaho Code, all state agencies shall exercise their duties in a manner consistent with the ESPA CAMP.

SECTION 2. The Idaho Water Resource Board shall prepare and submit to the Legislature for approval, a funding mechanism for implementation of Phase I of the

1 Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer. The funding
2 mechanism shall be consistent with the funding participation targets set forth in the ESPA
3 CAMP and shall be developed with the assistance of the ESPA CAMP Implementation
4 Committee. The Idaho Water Resource Board shall, with the assistance of the Implementation
5 Committee, prepare and submit to the Legislature for approval any subsequent proposed
6 changes to the ESPA CAMP. Implementation plans should seek to optimize outcomes for fish
7 and wildlife, recreation, hydropower, municipalities, irrigation, aquaculture and other uses.

8 SECTION 3. Implementation of Phase I of the Comprehensive Aquifer Management
9 Plan for the Eastern Snake Plain Aquifer is subject to legislative approval of a funding
10 mechanism, which shall be consistent with the funding participation targets set forth in the
11 ESPA CAMP. The act does not constitute an obligation of state funds and any state funding
12 shall be subject to the availability of funds. State agencies may use previously appropriated
13 funds to begin implementation of Phase I.

14 SECTION 4. The CAMP recognizes that incidental ground water recharge that occurs as
15 a result of the exercise of surface and flood irrigation water rights is an important component of
16 the Eastern Snake Plain Aquifer water supply. The CAMP implementation plan shall include
17 measures that recognize the benefits of incidental recharge, and that will encourage water users
18 and canal managers to continue their historic surface water diversion practices.

19 SECTION 5. An emergency existing therefor, which emergency is hereby declared to
20 exist, this act shall be in full force and effect on and after its passage and approval.